THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 27100 of 2003

Dated: 17-08-2006

Between:

Syed Mazher Ali

..... PETITIONER

AND

The Passport Officer,
The Regional Pass Port Office,
Secunderabad.

.....RESPONDENT

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 27100 of 2003

O R D E R:

This writ petition is filed seeking a declaration that the action of the respondent in not receiving the application of the petitioner for correction of date of birth in his passport bearing No.A 2178458 dated 26-11-1996 is arbitrary and illegal.

Heard both sides and perused the material on record.

The petitioner states that he was born on 07-09-1978. However, by mistake the date of birth was wrongly mentioned in his passport as 26-06-1974. Having noted the mistake crept in the passport, the petitioner made an application on 05-08-2003 requesting to rectify the error in the passport by correcting the date of birth on the basis of his SSC marks memo. It is alleged that the said application was not received by the respondent. Hence, this writ petition.

It is to be noted that the Government of India, Ministry of External Affairs, issued circular dated 18.04.2001, which reads as under:

> (a) Where an applicant is seeking rectification/Correction of a mistake in the entry of date of birth/place of birth in the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, after the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.
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> (b) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General clauses Act, 1997, a competent authority issuing a certificate could

also make necessary amendments to the same.

(c) Where the initial entry has been made on the basis of a supportive document issued by one competent authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent Court of jurisdiction, certifying the valid date of birth/place of birth."

Having considered the above circular, this Court in **Ali Imran v. Regional Passport Officer, Secunderabad** [1] held that as per the circular dated 18.04.2001, it is permissible to accept the applications for rectification/correction of the entries in the passport.

The learned counsel for the petitioner submits that the correction of date of birth of the petitioner and his father's name in the passport was only a technical correction, and therefore, it falls under clause (a) of the circular. In support of his submission the learned counsel relied upon the decision in **Asra Begum v. Regional Passport Officer, Secunderabad** [2].

Having regard to the facts and circumstances of the case and following the decision of this Court in **Ali Imran's case** (1 supra), the writ petition is disposed of granting liberty to the petitioner to make a fresh application with relevant material to substantiate his correct date of birth, within a period of two weeks from the date of receipt of a copy of this order, and if any such application is made, the respondent is directed to receive and consider the same in accordance with the circular dated 18.04.2001 and pass appropriate orders in accordance with law and communicate the same to the petitioner within a period of four weeks thereafter.

The writ petition is accordingly, disposed of. No costs.

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G. ROHINI, J

Dated: 17-08-2006

KLP

[1] 2003(3) ALD 625;

[2] 2004(6) ALD 360.